

CLASSIFICATION: All Personnel

ADOPTED: 6/13/97

REVISED: 5/23/01

**SUBJECT: Criminal History Record Information
for Employment**

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The Assistant Superintendent, Human Resources, shall ensure that a criminal records check is conducted for each prospective employee, except those properly exempted by law, regardless of the length of employment, in accordance with applicable provisions of the Education Code.

Individuals appointed to the certificated or classified staff shall submit to fingerprinting as a condition of employment. Offers of employment are contingent upon a review of the applicant's criminal record, if any, with the California Bureau of Criminal Identification Investigation, State Department of Justice, or with the Federal Bureau of Investigation as required by law.

No individual who is offered employment, except those properly exempted by law, shall begin work until the Department of Justice completes its review of the state criminal history records.

Any questions regarding Criminal Offender Record Information (CORI) shall be resolved by the record custodian.

Interagency Agreements

Upon receipt from the Department of Justice of a criminal history record or report of subsequent arrest for any person on a common list of persons eligible for employment, the record custodian for the San Diego County Office of Education shall give notice to the County Superintendent of Schools or the superintendent of a participating school district, or the person designated in writing by that superintendent, that the report is available for inspection on a confidential basis by the superintendent or his/her authorized designee. The report shall be made available at the San Diego County Office of Education for thirty (30) days following the receipt of the notice.

RECORD KEEPING

All information received from the Department of Justice is confidential. Criminal Offender Record Information shall be accessible only to the record custodian and shall be kept in a locked file separate from other files. These records shall be used only for the purpose for which they were requested. The contents of these records shall not be disclosed and shall

SAN DIEGO COUNTY OFFICE OF EDUCATION

**ADMINISTRATIVE
REGULATION NO. 4005.1**

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not be reproduced for secondary dissemination. Upon a hiring determination, the records shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained.

The County Superintendent of Schools designates the Director, Human Resources, as the record custodian of all confidential fingerprint and criminal history record information who shall be responsible for the administration of the information. The record custodian shall be fingerprinted and processed through the California Department of Justice. He/she shall sign an Employee Statement Form acknowledging an understanding of the laws regarding Criminal Offender Record Information. The record custodian shall ensure that the San Diego County Office of Education complies with destruction, storage, dissemination, auditing, backgrounding, and training requirements as set forth in 11 CCR §§ 700-708 and the rules regarding use and security of these records as set forth in Penal Code §11077.

Violation of this administrative regulation may result in suspension, dismissal, or criminal or civil prosecution.

Derivation: Former Administrative Regulation No. 4204, Adopted 6/13/97. Amended, Renamed, and Renumbered 4005.1 5/23/01.

**Legal Reference: Education Code
44008, 44010, 44332, 44332.6, 44346.1, 44830.1, 44830.2, 44836, 45122.1, 45125, 45125.01, 45125.5, 45126
Penal Code
667.5, 1192.7, 11075-11081, 11105, 11105.3, 11140-4, 13300-5
California Code of Regulations, Title 11
700-708**

**Management Resources: Web Sites
Department of Justice/Attorney General's Office:
<http://www.caag.state.ca.us/app>**